

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH MANTHA on behalf of
themselves and others similarly situated,

Plaintiff,

V.

QUOTEWIZARD.COM, LLC

Defendant.

Case No. 1:19-cv-12235-LTS

DECLARATION OF MATTHEW P. McCUE

Pursuant to 28 U.S.C. § 1746, I do declare under penalty of perjury that the following statements are true and correct:

1. My name is Matthew P. McCue. I am co-counsel to Plaintiff, Joseph Mantha. I am over the age of twenty-one (21), and I am competent in all respects to testify regarding the matters set forth herein.

2. I submit this Declaration to summarize certain developments to date in regards to discovery for the benefit of the Court.

3. On October 19, 2020, this Court heard argument in regards to various deficiencies identified by Plaintiff as to Defendants (“QuoteWizard”) discovery responses and entered an Order compelling QuoteWizard to supplement its response in several regards.

4. Specifically, QuoteWizard was ordered to produce all complaints received by QuoteWizard from anyone regarding texts messages sent by Drips on behalf of QuoteWizard. *See* ECF#112 and ECF #104 and #104-1,

5. On November 9, 2020, QuoteWizard responded to this Order with its Second Supplemental Response to Plaintiff's Second Request for the Production of Documents.

6. As to consumer telemarketing complaints relating to telemarketing texts, QuoteWizard claimed it "has no responsive documents to this Request."

7. As to DNC requests, however, made by consumers after they received QuoteWizard telemarketing, QuoteWizard produced three excel spreadsheets.

8. Each spreadsheet contained *over* **16,000** DNC requests made by consumers after receiving telemarketing texts delivered by Drips on behalf of QuoteWizard. In total, between January of 2018 and October of 2020, over **48,000** consumers who received QuoteWizard telemarketing texts demanded that such calls cease.

9. Further, without Court authorization, QuoteWizard redacted the phone numbers of these consumers claiming such was required for "privacy and confidentiality" reasons.

10. Thereafter, I sought from QuoteWizard's counsel documents relating or referring to the massive number of DNC requests received by QuoteWizard from recipients of its telemarketing texts.

11. QuoteWizard refused claiming this Court previously denied such a request.

12. In response, I noted that the Court had denied the request "without prejudice" and that the Court had previously ordered counsel to confer as to the scope of documents relating to telemarketing complaints submitted to QuoteWizard by recipients of telemarketing texts.

13. In response, counsel for QuoteWizard claimed that DNC requests are not "complaints" and refused to supplement its response further.

14. I also asked that QuoteWizard explain the headers that appeared in the Do Not Call excel spread sheets, and QuoteWizard refused.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 14th day of December, 2020.

Matthew P. McCue
Matthew P. McCue